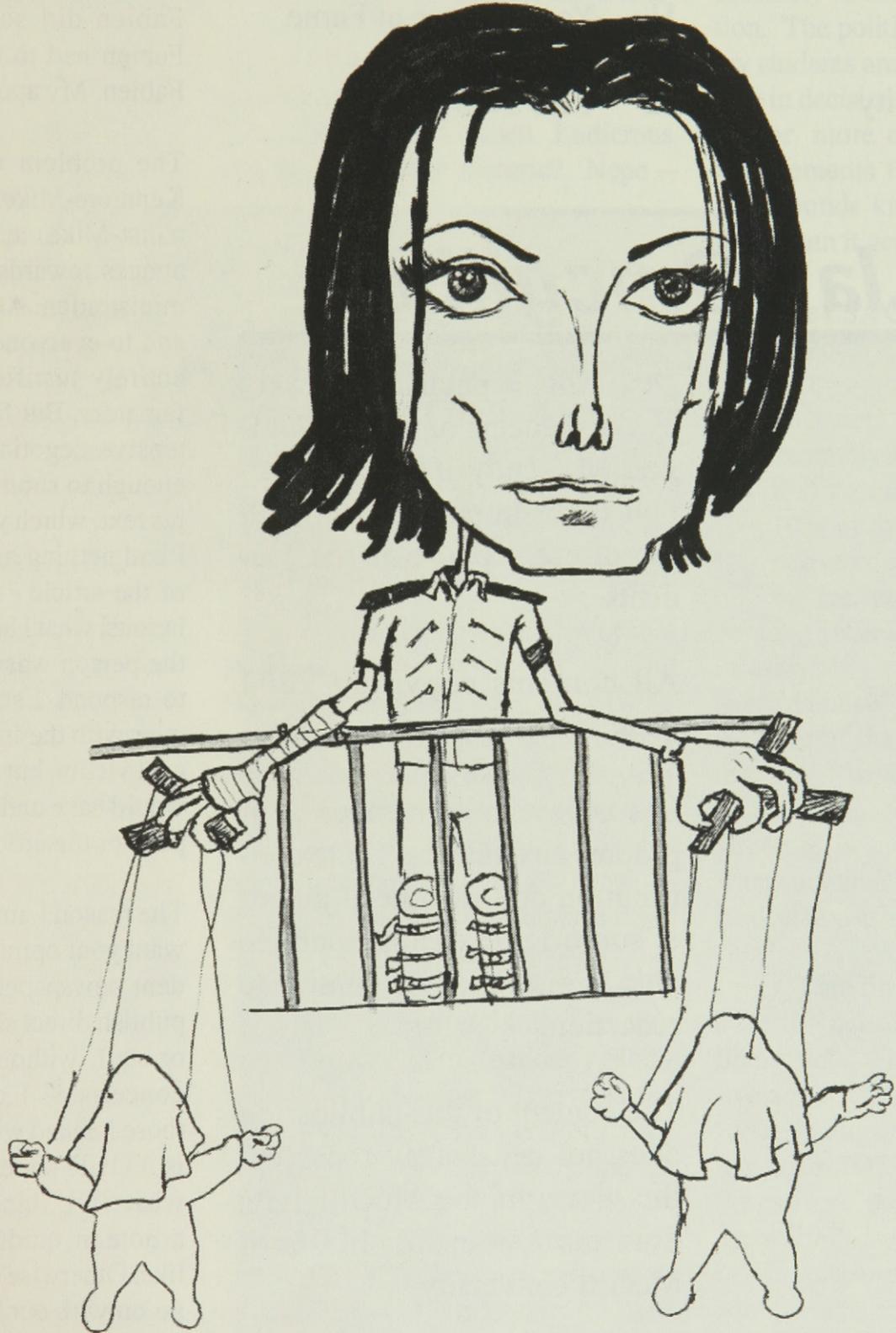


# *Quid Novi*

McGill University, Faculty of Law  
Volume 23, No. 9 - November 26, 2002

So, do you think this would satisfy  
the requirements for a s. 16 C.C. defense?



“It was a long airplane ride; I was tired,  
and wasn’t thinking straight...”

*Dan O’Hearn*  
2002  
thanks S.F.

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# Editor's Note

*"Mynd you, moose bites kan be pretty nasti..."*

*- Monty Python and the Holy Grail*

Don't expect this quote to have any link whatsoever with what follows. It doesn't. I just like it. There.

Fabien is unhappy. Because this week, Fabien did something very nasty: Fabien had to censor an article. Bad Fabien. My apologies again, Mike.

The problem was Mike (not from Kenmore-Mike, but local-tabloid-journalist-Mike) made in his article direct attacks towards a member of the administration. Attacks that were, to me and to everyone I consulted with, not entirely justified and somewhat defamatory. But fear not - following extensive negotiations, Mike was kind enough to submit an edited version of his text, which you will find on page 9. I had nothing against the very content of the article - it was, and still is, hilarious; what I had trouble with was that the person wasn't given a fair chance to respond. I suggested talking things over with the innocent or not-so-innocent victim, but according to Mike, this would have undermined the whole purpose of the article.

The reason I am telling you all this is I want your opinion. Do you think a student newspaper like the Quid should publish direct slashes taken at students or staff, without notifying the person concerned? I definitely don't, and those I talked with agreed. But then this is YOUR paper, so I'd like to know what YOU think. Feel free to drop me a note at [quid.law@mcgill.ca](mailto:quid.law@mcgill.ca) if you like. Otherwise Rosalie and I might just go on with our autocratic policies.

And for the last time, **NO**, the Faculty hasn't adopted a closed-book policy. It was humor, people. Get it? Humor? Grrrr.

Fabien

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*Quid Novi* is published weekly by the students of McGill University, Faculty of Law. Production is made possible through the direct support of the students.

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# Is the LSA a Bunch of Dinks?

by Finn Makela, Law II

“Student politicians are dinks”. This is what 51% of respondents in a recent poll conducted by the Varsity (the University of Toronto student newspaper) had to say. Admittedly, internet polls are of questionable validity, but I still found it disturbing that of the 619 people who responded, only 21% had anything positive to say about their student union. I have been involved in several student unions personally, and as a staffperson at the Canadian Federation of Students I met activists from dozens of others. With few exceptions, the people I have met in these contexts were truly dedicated to furthering the interests of the students they represented. So the question arises: why do so many people think they are dinks? I can offer some suggestions.

In English Canada (in this case, including McGill and Concordia) student unions are organized on a parliamentary model. Students elect representatives from their departments to a legislative body (usually called the Council) that determines the union's broad policy direction. An executive committee is either directly elected, or less often, elected from within the Council in the manner of a cabinet. The Executive is responsible to the Council, and councillors are theoretically responsible to their constituents. Sometimes on really big issues a referendum is called and voting occurs by secret ballot over several days.

In my view, this whole structure is alienating at best – at worst, it is completely illegitimate. Allow me to explain.

For all of its faults and limitations (and in my view there are *many*), some sort of representation is necessary for there to be a democratic regime in a polity with a population as large as Canada's. The sheer coordination problem involved in collective deci-

sion-making on this scale makes other methods impracticable. But surely this problem does not exist for a polity the size of the LSA. We can all fit together in a room. Since there is no reason why every member cannot participate in decision-making, I suggest that it is illegitimate to structure the organization so that it forces us to delegate decision-making power to representatives. We should abolish the Council. Ludicrous you say? Populist rhetoric? Nope –

**The Council and Executive are not dinks. They were elected (actually largely acclaimed) into a system not of their design that disconnects them from the student population.**

we have functioning examples of this in our backyard.

Generally, student unions in CEGEPs and Universities in Québec do not have legislative councils. Instead, policy decisions are made by a general assembly of all of the members. An executive committee that is directly accountable to the assembly implements these decisions. I think it is no accident that Québec has one of the most consistently militant and mobilized student populations in the Canadian Federation. The students themselves make the decisions and they are therefore more willing to stand behind them. Compare the turnout at the anti-FTAA demo on October 31<sup>st</sup>. McGill's SSMU Council legislated a student strike; a couple of hundred people came out. UQAM voted for a strike in their general assembly; they came out in thousands. The LSA did nothing (well...they lent me a stapler to put up strike posters).

It is now fairly well known that there are some serious questions fac-

ing the McGill Faculty of Law. The LSA set up a couple of meetings called “open forums” in order to gauge student opinion. This was a good step, but people seemed confused when I insisted that there should be a general assembly to decide on the LSA's position. The political culture is such that lay students aren't expected to participate in decisions except to ratify Council (or, more often, Executive) pronouncements through a referendum.

Sounds kind of anti-democratic when it gets put that way, doesn't it?

The LSA Constitution (which, incidentally, looks more like articles of incorporation than a political document) provides for a general assembly to be forced by a petition containing the signatures of 10% of the members. I actually had to go so far as to start collecting the requisite signatures in order for a general assembly to get called (almost fifty students signed in the space of a couple of hours). Later, one member of the LSA Executive asked me why I insisted on “creating conflict”. Strange but true: the current LSA structure is such that a student who wants nothing more than to participate in decision-making is “creating conflict”.

I am finally in a position to answer the question posed in the headline: “No”. The Council and Executive are not dinks. They were elected (actually largely acclaimed) into a system not of their design that disconnects them from the student population. They didn't decide that the LSA should be undemocratic. Ultimately, they can't decide to make it more democratic either – only you can. So, I hope to see you at the general assembly on November 27<sup>th</sup>. ■

*Finn Makela is a member of the McGill Radical Law Community.*

# Thanks for the free falafel, but next time please hold the propaganda

by Aaron Chase, Law II

I just wanted to drop a quick note to raise a question that has been on my mind since I entered these hallowed halls last year: why do we need student organizations based on religious, ethnic, racial and gender lines?

The JLSA coffee house last Thursday gave new relevance to this issue. When I walked into the atrium to get my free grub, I was surprised to see the space smothered in Israeli flags. I suppose there's an argument to be made that it's good to be proud of your roots [although I'm not willing to concede this point], but as you expose them, there's certainly a point where your roots start to interfere with those of your neighbour's. The Israeli flag is a powerful symbol, and its exhibition can create strong emotional responses, to the point where some of the JLSA's fellow law students might have felt uncomfortable attending coffee house. I'm Jewish, and I felt a bit of the push of exclusion. Fortunately, my attraction to the booze overcame any feelings of alienation, so I stayed - but what of those poor souls not blessed with such a strong affinity for the juice?

Maybe it's all the Mordecai Richler and Philip Roth that I've been reading lately that inspired this "self-hating" contribution to the Squid, maybe it's a long-held dream to be an *agent provocateur*, but whatever it is, I'd just like to leave my readers with these two questions? What is gained by organizing ourselves into groups

like the JLSA or the BLSA or the SALSA or what have you? If we cannot avoid dividing ourselves into little grouplets as law students, what hope is there for a world where people like us

make up a good proportion of the leadership clique? Let us all unite in the pursuit of ca\$h-money. While I'm at it, big props to Mike Brazao for bringing the Quid back from the dead. ■

## Let's Get Active...

by Debbie Mankovitz, Law I

I am grateful that we now have some real issues on the table around Faculty funding, thanks to two great commentaries in last week's Quid ("Public Education" by Jared Will and "Micturating into the Prevailing Breeze" by Daniel Moure). I think we should be "realistic and demand the impossible". We should be upholding not only our own, but *everyone's right*, to an education. As Jared Will pointed out, we should aim to ensure accessibility to education and an environment of disinterested research and inquiry as means of engaging in and *fostering a democratic society*. It's the only responsible course.

But, of course, how many of us even know what democracy means anymore? As we move from issues of funding to procedure (that is, how is this all going to get decided?) I think it especially pertinent to raise the question. We were asked to define democ-

racy early on in a Constitutional class. The prevailing answer, to the undoubtedly amusement of popular revolutionary icons everywhere, was: "majority rule, minority representation"! We continue to measure democracy in

Direct democracy requires the participation of engaged members of society, and representation owes a heavy reliance on direct democracy initiatives.

that class, to some extent, by the application of the will of legislatures.

This flies in the face of populist movements around the globe, who premise themselves on the ideal of *direct democracy*, where "representative democracy" is viewed as a misnomer. Some parliaments are representative but undoubtedly not democratic, i.e. representation does **not** = democracy. As Rousseau would have it, real de-

## This is your last chance to contribute!

Last issue of the Quid for this term will be out December 3<sup>d</sup>.

Deadline: Thursday at 5.

mocracy would require small states, where each citizen could know each other, and participate in political developments. We would be “total citizen” where all is politics, all revolution. Well, democracy may be compromised there too, it’s been argued, so what’s left between extremes? In large States, direct democracy takes place in neighbourhood committees and local initiatives, where, as *Boaventura deSousa* has put it, you have politics and justice on a *large scale*. Ideally here, every player counts, every voice is heard. Issues are debated at great length, and have great significance to those debating them. Popular participation is here accessible and should be the aim.

On the other end of the continuum, you have representation, or politics and justice on a *small scale*, where all the players are tiny peons easily negotiated and movable on the games table (regardless of the immense consequences to the peons!) What happens to this small scale political gaming when it is entirely divorced from direct democracy? What happens when direct democracy is irrelevant because

there is widespread political apathy? *Political apathy means the death of the State*, and I think this is where we’re at here. Without the democratization, and political engagement of members of society, “democracy” is an empty vessel. Direct democracy requires the participation of engaged members of society, and representation owes a heavy reliance on direct democracy initiatives.

In terms of Faculty funding, then, I don’t believe that voting for a handful of students who state their respective platforms in a 2 minute speech each, will do the trick! This is a bigger issue than deciding on book titles for the library! I believe that we should be as revolutionary in our praxis here as we are with the issues! We should consider a style of representation that is entirely dependent upon and accountable to multiple smaller groups of divergent views.

That said, I’d just like to tack on this note: I don’t believe that the social contract needs to be marketed to students by patronizing us with talk of “re-educating us” to believe that edu-

cation is a privilege and not a right! We may go for the idea on other grounds (based on arguments of scarcity and sacrifice) but *not because education is a privilege and not a right* (for all the reasons mentioned by Jared Will last week!) If this is the aim, why not “re-educate” the Faculty while we’re at it, as I suggested last meeting, to believe that self-worth is not tied to salary? (I felt like a heretic after one of the Prof’s literally leapt out of his seat, for that comment, and caught me off guard at the door, emphatically stating that Profs have to feed their kids!) I don’t want Profs to suffer from undue work related stress, but my whole point being that we need to approach this issue, Faculty and students as a team, with the idea of some sacrifice in our minds (though maybe we can help each other out more with work load, rather than money) for the greater good of the community (again I refer you to Will’s comments last week). We may just have to do without soap in some of the wash-rooms some of the time (!), or that trip to Hawaii (!) for that matter. ■

## Quick Comment on David Perri’s Article on the Clash

by Marta Juzwiak, Law IV

Last week, David Perri wrote a pretty cool article about how McGill needs the Clash, but he also said something about how people had treated Finn Makela that rubbed me the wrong way.

His piece was witty and very well written. I particularly liked the statement: “You come to McGill Law a cocky, swaggering, grade obsessed maven, and you leave as a social being entering a profession that can incite true change.” I’m all for it — yes, let’s use our degrees to incite true change, and let it be good change. And I’m actually a little curious to hear some songs from the Clash after having read David’s piece.

But there was one thing David said that struck me as rather unfair, which I quote below:

“Remember Finn Makela? He’s the individual who wrote a surprisingly forward and cognisant article about the purpose of education versus what said educational experience has become at this institution. According to the Quid, Finn was everything from a radical to pretentious [\*\*\*]-hole; this hell ‘n’ hilarity was levelled at him simply because he decided to speak a truth that no one actually wanted to hear.”

There are five reasons why this statement is unfair.

1. Finn did more than discuss the purpose of education; he misrepresented, or over-compressed, what people had said in the first Quid in order to make a point about how foolish they were.

2. Nobody criticised Finn for speaking the “truth.” On the contrary!

He was criticised for having misinterpreted and misrepresented the pieces on which he commented. Misinterpreting or misrepresenting what someone has written, in my mind, does not constitute telling the “truth.”

3. Nobody had a problem with Finn’s desire to study and work hard and to get the most out of his McGill experience, or with his desire to encourage others to do so as well.

4. The statements made in response to Finn were not “according to the Quid.” On Page 2 of every Quid, you will find the following statement: “Les opinions exprimées sont propres aux auteurs.” ’Nuff said.

5. I don’t recall anybody using profanities in their responses to Finn’s piece. ■

# On Funding

by Jeff Feiner, Law III, LSA President

After a couple of widely attended meetings and hearing random comments in the halls, it is quite evident to me that students really care about the future of the Faculty of Law. Next week, on Monday, December 2 at 12:30 in the Moot Court, we will be continuing the consultation process in the formation of the ad hoc student committee. This com-

## I do not support the privatization of the Law Faculty.

mittee will be able to not only inform itself and students as to the range of issues affecting the faculty, but also canvass the diversity of student opinion.

That being said, I want to add my two cents worth and let people with whom I haven't spoken to know where I stand on some of these issues. I must stress that my primary goal as President of the Law Students Association is to advocate your views. However, it would be disingenuous for me to pretend that I don't have views of my own. So here they are.

First of all, I do not support the privatization of the Law Faculty. There are many reasons why I don't believe a private model is feasible, beyond the overriding concern of preserving an accessible legal education.

The language of McGill is privatization. The language of the Ontario schools is deregulation. The difference is that Ontario Universities are free to raise their tuitions to whatever levels they wish and MAINTAIN their level of funding from the government. Conversely, if McGill were to raise tuition, it would be required to forfeit the amount of government funding equivalent to the increase. For example, if we

assume that government funding at McGill is \$5000 per student, we would notice the benefits of a tuition increase only if the increase were to be above and beyond that level of government funding. In other words, a \$10 000 tuition increase would only yield a \$5 000 increase in law school revenue. In fact, it would be much less than that as McGill University would demand its

share of the increase to pay for various amenities that it provides (such as light and heat, for example).

In my opinion, such a move would not even make good economic sense. What this means in practical terms is that if the University of Toronto and McGill University were to charge the same amount of tuition, a deregulated U of T would always come out ahead because of its guaranteed level of government funding.

This is not to say that a deregulated model is any better. By allowing tuition fees to skyrocket, the culture of the learning institution changes. Higher tuition invariable means higher debt-loads. This can influence career choice. Many people end up with law firm jobs after they graduate. There is nothing wrong with this choice. However, the fear of high debt can force students into higher paying jobs in order to pay off this debt. One of features of the Faculty of Law that I find unique is the number of students who choose Public Interest or other non-corporate career directions. High tuition can unduly pressure students into private law careers.

So if privatization is not the answer, then what is? I don't know the answer to this question. I'm hoping that the student ad hoc committee and Faculty ad hoc committee, which will have

student representation, will be able to come up with answers. On its face, the social contract is a good idea in that the sense that encouraging alumni donations serves the faculty well. If graduates benefit from their education with high paying jobs, then they should feel obliged to give some of this back. The social contract idea could help improve the culture of alumni support. But will it be enough?

I think most people would say that they are open to creative solutions to overcome the funding shortfall. I am one of them.

In my discussions with students the funding options are the issues that have come up the most. Let us not forget the other important part of this process: deciding what kind of a Law Faculty we want to be. I am a fan of the bilingual, bijuridical, and varied curriculum that this school offers. I enjoy the cooperative and collaborative atmosphere that I believe sets our students apart from many other faculties of law. I appreciate the engaged, dedicated professors that I have had the opportunity to learn from. It is these qualities that I would look to preserve.

There are many others and I invite everyone to share their views.

To conclude, the LSA is committed to the ideals of preserving educational accessibility and the academic quality that we are accustomed to. We are committed to maintaining an open and democratic consultation process. I look forward to continuing this process.

See you on Monday. ■

# Congratulations

received from Prof. Armand de Mestral

To The Editors of the Quid Novi:

Congratulations to Mike Brazao for an entertaining article. It was just what we needed to drive away the November blues. It was so convincing that I received several inquiries about closed book examinations.

However, Mike Brazao, you are totally off base with respect to sections 7 & 8. Are you not aware that the Charter does not apply to McGill University? Who taught you Constitutional Law, or perhaps you have already forgotten what you learned in first year? ■

## Security in the Nahum Gelber Law Library

by Justin Bender, Law I

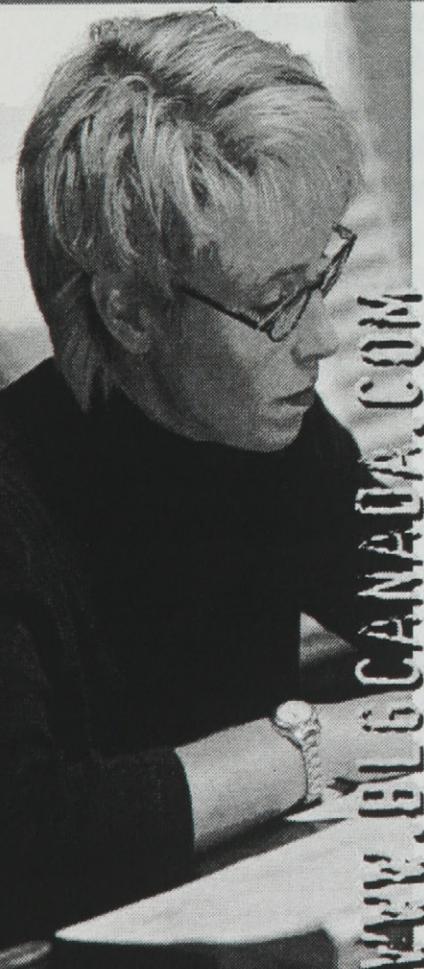
I would like to know if my law colleagues and professors are concerned about security in the Nahum Gelber Library. As a regular library user, I know several laptops

have been stolen so far this year and, from my perception, it has become, at least, a bi-weekly event to hear a theft announced over the library's intercom. From my conversations with security

staff, I've understood the bottom line is that we can't leave articles unattended and, if so, it's to our own peril. However, successful study of law implies many hours of study and many of us choose to "do our time" in the facility specifically designed for the task, that is, the Nahum Gelber Library. Also, the study of law has increasingly become technology dependent: a laptop computer today is probably no less the norm than pen and paper only ten or twenty years ago. Given all the technology and all the time spent in the library, it's not always easy to bring everything of value with us each time we get up to use the washroom, for example.

My understanding is that anyone can enter and use the library (including McGill law students, other McGill students, and literally anyone off the street, for that matter). Though maintaining open access to the library is important, ideally we could find a way to improve security without reducing access. As it stands at present, any-

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one can freely walk in off the street, find the (unattended) laptop of his or her choice, and freely leave (with the laptop).

I'm aware that increased security might also imply a library budgetary increase (and the Faculty's funding situation is on everyone's mind right now). Maybe there are some cost-effective options we could explore: students could show identification at the circulation desk; non-students could also show identification and sign-in. Many university libraries hire students to check bags and identification. I'm sure we could think of other cost effective options that would increase security, without reducing access to the library.

If anyone else is concerned, as I am, I'd be pleased to hear your comments. For the time being, all I can say is, "Keep your eyes on your laptop!" ■

## ELM Panel This Week

Next Wednesday, Nov. 27, is Environmental Law McGill's panel on protected areas in Canada. It will be from 12:30-2:30 in the Moot Court in the Faculty of Law. We have representatives coming from Parks Canada, the Quebec Government and the Canadian Parks and Wilderness Society (national NGO). This event promises to be very interesting!

Hope to see you there!

# Chico Picks Up Win; Pino Picks Up Jersey

by Panger

After handing two straight undefeated opponents their first losses of the season, Chico faced a seemingly mediocre Stoners' squad last Monday evening at McConnell arena. Unfortunately for the Stoners, the only player who seemed to smoke the right stuff before the game was their goaltender, who kept the score respectable. Chico outplayed them in every facet of the game outside of the crease. Motivated by the arrival of their new uniforms, several first-year Chico players figured prominently in the scoring: Mathieu continued to lead the team in scoring with a 2-goal performance, while Dennis managed two assists. Dennis especially was all over the ice, carrying the puck out from behind Chico's net, and showing a previously unknown fifth-gear to blow by a couple of Stoners. Sandy managed two goals of his own in his shortened stay on the ice, and Dinesh "Wheels" Melwani added two assists despite 13 minutes in penalties. The captain even figured in the scoring, with a sweet pass from behind the goal line to a streaking Dan, who fired a laser far side that left the goalie motionless. On the other hand, Jason must have checked for his wallet after the game, as he was robbed several times by the Stoner goalie on breakaways and odd-man rushes (but we love him anyway).

On the other side of the ice, David "The Hammer" Lametti continued to break up rush after rush with his patented (or is it trademarked?) stick sweep. And while the defence ranged from solid to spectacular (Dan managed a plus-5 when only 4 even-strength goals were scored<sup>1</sup>), backchecking by the forwards broke up just as many attacking opportunities. Dinesh not only used his wheels to create scoring chances, but chased down

several Stoner forwards from behind. Many other forwards, like Ken, Gregoire and Dennis, came back to help out the defence and start the transition game.

Another quasi-brawl broke out in the second, with (not surprisingly) the Killer again pummelling an overaggressive Stoner. But Sandy nonetheless is still a leading candidate for my vote for sportsman of the year, as he chatted with the opponent he just finished laying the smack down on while sitting in the penalty box. What was surprising were the 'goon' antics of Dinesh, who somehow managed to earn a misconduct penalty for simply shoving an opponent – in retaliation for being slammed into the boards and given a shot to the head. On the other hand, Greg Rickford managed to avoid a penalty even though he paid no attention to a free puck in the corner while simply impeding an attacking Stoner with his body; the Lumberjack certainly benefited from the fact that the NHL's interference rules don't apply in non-contact McGill intramurals. And we won't mention the fact that Chico's goaltender got away with a swipe to an opponent's head with a friendly "please don't use your glove like that" from the ref.

Of course, the win was mostly due to the loud and rambunctious crowd made up of **Overruled**, Law's Men's "D" team. It's incredible how loud it gets in a small arena, even with only a relative few fans – and don't think it didn't motivate us to hear them cheer after each goal and save. And they were no slouches in their game either, as they crushed their opponents 8-3. And special congratulations go out to Vanessa "Bobbi Orr" Rochester for her end-to-end rush to score her first career goal. And they were lead by Nawel Bailey, filling in as a coach

while she recuperates from a leg injury, and potential replacement for Michel Therrien.

Chico had fun watching them play, and they seemed to have fun watching us. So if you want to have fun and support our faculty teams, please come out and watch: Chico's next game is Sunday, December 1<sup>st</sup> at 4pm. Oh, and next time you walk into Pino's you can admire Pino & Matteo's own Chico Resch jersey.

Pino & Matteo's Three stars  
Third Star: **Stephen Panunto**  
Second Star: **Sandy Khehra** (two

goals and W in the fight column)  
First Star: **Mathieu Locas** (again, with two goals and some nifty skating and stickwork)  
Unsung Heros: The entire **OVER-RULED** team. (You guys rock!)

<sup>1</sup> For the uninitiated, a player earns a plus whenever they are on the ice for an even strength or shorthanded goal for their team, and earn a minus when they are on the ice when their team allows an even-strength or shorthanded goal. ■

## Will there be coffee at Coffee House?

by Stephen Scott  
(on behalf of the sponsoring professors)

**O**n November 28<sup>th</sup> the Profs will repeat our successful event of March, 2001, and again sponsor a Coffee House, at the usual Thursday time and place, as a charity fund-raiser.

At least twenty members of the teaching staff have joined in sponsoring this event with charitable gifts, and most plan to attend. Contributions will again be made to Moisson Montréal Inc., which supports food banks.

As conceived by Professor Rod Macdonald, the aims of this staff-sponsored coffee house, which we hope will become an annual event, are three-fold. First, it is an occasion, at the end of the term, for students and professors to have a relaxed social endeavour before the exam-study blitz begins in earnest. Second, it is an occasion to remind ourselves of our great good fortune to be members of this Law Faculty community. We teach and study together full time when so many lack any comparable choice, or, indeed, can neither study nor find employment. We look forward to bright futures with much opportunity and wide choice of career. Third, it is an occasion to value education for itself and for its personal and social impact, and not only for its pragmatic utility in terms of prospects for financial advantage.

As was the case on the last occasion, teaching staff have been encouraged to bring spouses and children.

Will there be coffee at Coffee House? Frankly, I don't know. Come and see.

We hope to meet you at Coffee House on Thursday, November 28<sup>th</sup>. ■

## NEWS ITEM: McGill Law

## Refuses Helping Hand to Amputee

by Mike Brazao, Law II

**M**ONTREAL — Second year McGill Law student Todd Henderson, who lost his right hand following a tragic floor hockey accident in October, will have to write his December exams as scheduled, according to a judgment released by the McGill Moot Court yesterday.

The incident in question occurred when Henderson had his middle finger slashed by a member of the opposition while playing net for the McGill Law intramural team just a few days prior to the start of his wave 2 factum. Apparently the assault was in retaliation for the fact that Henderson pointed at the opponent and told him he was "number one".

Although in days subsequent to the incident the digit became inflamed to the size of a bowling pin and continually oozed pus, the gritty student persisted in writing his factum. "I just wanted to *f\*\*\*in' give 'er*" recounted

## Last Quid for this term next week!

Send in your stuff by Thursday, November 28, 5PM.

the native of Nelson, B.C., when questioned by reporters who had gathered outside the courtroom following the decision.

According to Henderson, it was on the tenth day of "giving" the factum that his right hand, by then purple and festering with gangrene, fell off while typing the final draft of the assignment in the computer lab of the Nahum Gelber Law Library. Though in shock and gushing pints of blood, he managed to stumble to the office of computer lab guru Michel Saba, and knocked on the door with his nub. When asked if he could dial 9-11, Mr. Saba kindly asked the invalid to return between 11:30 and 1:30 the next day, as he was only allowed to provide service to students within that timeframe.

After stumbling back to his seat and passing out in a pool of his own bodily fluids, Henderson was removed from the computer lab two hours later when another wave 2 factum writer, eager to make the next day's deadline, complained to the librarian that Mr. Henderson was not using his computer, and every other one in the lab was occupied. Security was promptly called and Mr. Henderson was sent to the Royal Victoria Hospital.

After regaining consciousness, Mr. Henderson was informed by doctors that the status of his hand was listed as "FUBAR", and as such, the appendage could not be surgically re-attached. He was then informed that his second-tier Canadian health care plan entitled him to either a club or a hook as prosthesis. He chose the hook.

When pressed by reporters from *The Quid Novi* to provide a *ratio* for its decision, a written statement released by the nine-judge court assumed an uncompromising stance. "We have a policy of passive ambidexterity at this Faculty", read the judgment. "Mr. Henderson knew this before registering in first year, when we mailed him the self-test... which he passed."

At any rate, the point was moot, went the reasoning, as Mr. Henderson had failed to discharge his onus of convincing the court beyond a shadow of a doubt that a pen could not be affixed

to a hook for the purposes of writing an exam. "It has been done before", the court asserted emphatically.

The court also buttressed its *ratio* with a policy argument, by sternly reminding its audience that to acquiesce in a "borderline" case such as this could open the floodgates of spurious claims. "It starts with a missing hand...", the honourable judges explained, "... next thing you know people will show up with varsity hockey games, debilitating illnesses or deaths in the family, looking to get out of an exam or an assignment. At a certain point, one just needs to have a stiff upper lip".

When asked why Mr. Henderson was forced to represent himself in this action, McGill Student Advocacy directors pointed to an escape clause in the contracts of adhesion they have their wards sign, which stipulates they will not represent a claim they feel to be "without merit and/or vexatious". Not wishing to ruffle any feathers within the faculty, they regretfully informed Mr. Henderson that losing a hand and writing exams with a hook "really sucks", but is not actionable.

When asked to provide a faculty reaction, distinguished professor and all-round nice guy David Lametti was surprisingly callous. "This is what happens to the Tony Renda's of the world",<sup>1</sup> he said with a shrug. ■

<sup>1</sup> *Renda c. Investissements Contempra ltee* (1982) 27 R.P.R. 152

www.law.mcgill.ca/quid

# Your Chance at Fame

by Alexandra Law, Law II

**N**on, ceci n'est pas un article politique. It's just plain relaxing fun. Anna and I finished our factum a scant two days before the writing of this piece. I have spent the past week trying desperately *not* to write "the government passed the Gas Act", "the passing of the Gas Act," or any similar reference. Thank you to whoever invented the word "enacted." I have also discovered that working in the third factum wave is like being the last kid in your family to go through puberty. Everyone knows you're suffering, but because they survived it, they know that you will, too. This results in an appalling lack of sympathy.

Mais enfin, nous avons tous la même date limite: les ex—ns de l'hiver. La session sera bientôt terminée. Pour nous encourager, j'ai une suggestion. Cette semaine, envoyez au Quid un sommaire de vos livres préférés, pour les gens qui aimeraient lire quelque chose d'intéressant pendant les vacances. Yes, I know that the last thing some people want to do is read over the break, but this is fun reading. Humour me. Please.

Your selection could be fiction or non-, old or new, funny or serious. You might pick something that could be finished on the train from Montreal to somewhere else. You could also choose a work best read while hiding in the bathroom from hoards of relatives begging for free legal advice. Recommend a book that can take us out of our everyday world and bring us back with a different outlook.

Vous aurez la gratitude d'au moins une de vos collègues. En plus, pour ceux/celles qui n'ont pas encore écrit un article pour le Quid, c'est une opportunité de nous envoyer quelque chose de complètement inoffensif, qui vous éviterait d'avoir à craindre la colère de vos amis à la faculté. N'ayez pas peur si vous n'avez pas une maîtrise en littérature. Fear not if Star Trek nov-

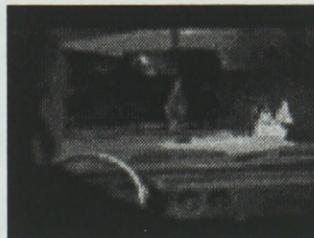
els are one of your secret pleasures. Make the effort and suggest a good book. That way, we'll all have something to look forward to after e—ms

(or to distract us when we are supposed to be studying). Thank you! ■

The McGill Entertainment Law Students Association

## "CAREERS IN FILM/ TV AND ENTERTAINMENT LAW"

A MELSA guest speakers and film screening event



"Fetisch". Winner of the German National Film Prize for best Short Film 2002

**Thursday November 28 at 6:40 pm  
Thompson House Ballroom, 3650 McTavish**

Come join the MELSA for a reception and cocktail as a panel of lawyers and industry professionals gives a talk on what it means to be a lawyer in the film industry today and how you can use your law degree to work in the film business.

### Guest Speakers:

- Dean Chenoy, Fraser Milner Casgrain LLP
- Michael Prupas, MUSE Entertainment Enterprises
- Daniel Levinson, Stikeman Elliot

We will also be screening a special presentation of **"Fetisch"**, by MELSA VP Film, Richard Lehun, winner of the 2002 German National Film Prize for best short film.

Feel free to visit our website at [www.melsa-law.com](http://www.melsa-law.com) to find out more about our guest speakers or to see a program.

If you are interested in attending this event, please RSVP to Alison Lester at [aleste@po-box.mcgill.ca](mailto:aleste@po-box.mcgill.ca) to have your name placed on our guest list.

# The CPO Newsletter

November 22, 2002

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### 1) CLERKSHIPS

The list of deadlines and contacts is available at the CPO. Some deadlines are in November/December: Court of Appeal for Ontario, Court of Appeal of Alberta and the Court of Queen's Bench of Alberta, New Brunswick Court of Appeal.

### 2) POSTINGS (ARTICLING, PART-TIME & VARIA)

Le bureau de Montréal du ministère de la Justice du Canada a encore quelques postes de stagiaires en droit civil à combler pour l'année 2004 (en plus de 2005, évidemment). Les étudiants intéressés sont priés de faire parvenir leur CV accompagné du formulaire disponible au CPO,

d'une lettre de présentation et d'une ou deux lettres de référence (facultatif).

Contact : Lina Tommasel  
Coordonnatrice du recrutement universitaire  
Ressources humaines  
Ministère de la Justice du Canada  
200, boul. René-Lévesque Ouest  
Complexe Guy-Favreau, Tour Est, 9e étage  
Montréal (Québec) H2Z 1X4

Télécopieur : (514) 496-6054  
Courriel :  
lina.tommasel@justice.gc.ca

-Le Service des Admissions est à la recherche d'un(e) étudiant(e) prêt(e) à travailler à temps partiel. Critères : Compréhension de l'anglais et du français écrits ; connaissance des logiciels Access et Excel. Finissant(e) soit en dernière année du premier cycle, ou au deuxième cycle et ne prévoyant pas postuler à un autre programme à la Faculté l'année prochaine.

Disponibilité : 5 à 10 heures par semaine, entre 9h00 et 17h00. Le travail se fera aux locaux du Service des admissions. Entrée en poste dès que possible; le travail continuera jusqu'au mois de mars (date précise à déterminer). Soumettre un CV à Manon Gariépy, au Service des admissions, New Chancellor Day Hall, 4e étage.

-KAPLAN: Kaplan invented LSAT test prep over 60 years ago. Right now, they're hiring individuals with great LSAT scores for part-time teaching and tutoring positions.

\*\*These positions start at \$17 an hour plus bonus. You will also be paid for prep and training time.

\*\*Part-time schedules that accommodate your studies.

To apply, please send a covering letter, your C.V and a copy of your test scores to Liane King. Be sure to mention where you saw this posting when you apply.

Contact: Liane King  
Kaplan Test Prep  
Director - Montreal & Ottawa  
Tel: 514.287.1896  
Fax: 514.287.1292  
liane\_king@kaplan.com  
550 Sherbrooke Street West  
Suite 550, West Tower  
Montreal, Qc  
H3A 1B9

-ASSISTANT, ASSISTANTE DE RECHERCHE : Le Prof. Jobin recherche un assistant ou une assistante de recherche, à temps partiel (10 heures par semaine), pour une durée de 8 semaines, en janvier, février et mars 2003. Le contrat pourra être renouvelé, à temps complet (35 heures par semaine) pour une durée de 16 semaines l'été prochain. Le travail consistera principalement en la mise à jour de la jurisprudence et la doctrine et la révision d'un livre en droit des obligations.

Rémunération selon les tarifs en vigueur à la Faculté. Les candidats seront des étudiants ayant au moins complété une année et demie de droit en décembre 2002. Ils devront maîtriser très bien le français écrit. Avoir bien réussi le cours de Contrats et le Cours avancé en obligations de droit civil est un atout. Les personnes intéressées doivent faire parvenir, par le Service de placement

ou le Service aux étudiants (OUS), leur curriculum vitae et un relevé de leurs notes d'ici le 5 décembre prochain.

Pierre-Gabriel Jobin  
pierre-gabriel.jobin@mcgill.ca

-CHI Canada : Para-legal support to a company

Job description:

Participate to legal act analysis regarding arbitration;

Participate to statutory mortgage analysis;

Assistance to prepare examination of witnesses;

Internal clerical work;

Administrative assistance

Practice fields:

Commercial litigation

Commercial arbitration

Requirements:

French, very well-spoken and written English, spoken and written

Ability and interest for research

If interested, send your CV by e-mail or fax.

Coordinates:

1155 René-Lévesque W.

Suite 1715

Montréal (Québec)

H3B 3Z7

Fax : (514) 397-0284

E-mail : [jbreton@chienergy.com](mailto:jbreton@chienergy.com)

To start immidiately

3) IF YOU ARE LOOKING FOR AN ARTICLING POSITION AND ARE IN YOUR LAST YEAR OF STUDIES...

...here are a few suggestions:

• Au Québec: l'Ecole du Barreau du Québec a un Bureau de placement et affiche de nombreux postes sur son site intranet. Vous pourrez avoir accès à ces postes :

[www.ecoledubarreau.qc.ca/stages/stagiaire.php](http://www.ecoledubarreau.qc.ca/stages/stagiaire.php).

• In Ontario : Provided you have registered for the Ontario Bar Admission Course, you have access to career services through the Law

Society. You should check the postings on: [www.lsuc.on.ca/articling](http://www.lsuc.on.ca/articling).

- QUICKLAW-NAD (National Articling Directory): Quicklaw-NAD affiche les fiches 'ARTICLING SURVEY' remplies par les cabinets/organisations pratiquant surtout le Common Law. Vous pouvez les consulter électroniquement. Les cabinets qui ont encore des stages à offrir en 2003-2004 doivent l'indiquer sur ledit formulaire.

- Nos collègues de Western ont produit un recueil de stages en Common Law (2002-2003 / 2003-2004) regroupant l'information fournie par Quicklaw-Nad et ayant le mérite d'être facile à consulter. Il est disponible pour consultation au Service de placement.

- Résumé Program : Vous pouvez me soumettre votre CV et le Service de Placement l'enverra aux petits et moyens cabinets de Montréal et de Toronto. Apportez-moi un CV par ville et identifiez la ville sur un post-it (Montréal et/ou Toronto). Nous nous occuperons du reste!

- Je vous invite à venir me rencontrer (si ce n'est déjà fait) afin de discuter de votre situation et de stratégie.

#### 4) CAREERS DAYS

COMMON LAW CAREERS DAY:  
JANUARY 13, 2003  
CIVIL LAW CAREERS DAYS:  
JANUARY 29 & FEBRUARY 5,  
2003

Call for volunteers for the set-up (the day before – i.e. Friday, Jan. 10 for the Common Law Careers Day and Tues., Jan. 28 and Tues., Feb. 4, 2003 for the Civil Law Careers Days) and for the day of the events. Let me know if you have an hour or two!

Common Law Careers Day: New this year!: We are planning two forty-minute panels of three to five panellists each that will take place in Room 202 in New Chancellor Day Hall. Students will be invited to participate in the discussions. An information session for students will also be offered. The second portion of the Day will consist of a 'networking' luncheon open to employers and students alike, that we trust will provide an opportunity for informal meeting. The "booths" would then be held from 1:15 pm to 3:45 in the Atrium as in the past. The day will unfold as follows:

10:00 – 10:40 Panel Discussion # 1 – Women and the Law (Room 202)

10:45 – 11:25 Panel Discussion # 2 – Small Firms vs. Large Firms (Room 202)

11:30 – 12:10 Information Session – Everything You Need to Know About Recruitment in Toronto (Room 202)  
A must if you plan to do the OCI next year!

12:15 – 13:15 Networking Luncheon – You must register at the CPO in order to get your nametag ready (Common Room)

13:15 - 15:45 Information Booths in the Atrium

5) PLACEMENT STATS – U.S., TORONTO & EAST-WEST OCIs

For the students who participated in either recruitment process: please inform me of the outcome of the recruitment process. It will remain confidential.

6) AREA OF PRACTICE DINNERS – WINTER SERIES, REGISTER NOW!

La série de diners-rencontres prévus au Faculty Club (7 pm to 9 pm) est déjà prête pour le prochain trimestre.

Au menu, une boîte d'invités extrêmement intéressants :

21 janvier : David Hodgkinson, Senior Legal Counsel, IATA – saura sûrement intéresser tous ceux et celles qui sont passionnés par une carrière dans le domaine

28 janvier : The Honourable Lawrence Poitras, former Chief Justice, Quebec Superior Court who headed a tough commission dealing with issues

in criminal law. He now has a practice in mediation at Border Ladner Gervais

11 février : Harvey Yarosky, droit pénal (défense), s'est forgé une impressionnante réputation à Montréal dans son domaine

Sign-up at the CPO (the sheets are posted on my door). Cost: 10\$

#### 7) FOREING LL.M. STUDENTS – OPPORTUNITIES

a) Linklaters Oppenhoff & Rädler M&A Corporate Lawyer, Cologne and Frankfurt, Germany

##### Job Description:

They claim to have been ranked in the top groups of M&A league tables for years – globally, and also in Germany. Hence, they specialize in cross-border transactions and their management. They find efficient structures for complex mergers and acquisitions, for restructurings and takeovers of companies listed on a stock exchange; for strategic partners and financial investors.

##### Skills Required:

German Law degree; used to working as part of a team; excellent English language skills; studying domestic and international corporate and group law. Experience: 0-2 yrs

##### Apply directly to:

Linklaters Oppenhoff & Rädler  
Sandra Bernaschek  
Mainzer Landstraße 16

D-60325 Frankfurt am Main  
sandra.bernaschek@linklaters.com  
Telefon: (+49-69) 7 10 03-134  
Relevant Links: To discover more about working in Germany go to <http://www.linklaters.com/careers/germany>

#### b) Sidley Austin Brown & Wood LLP

Contact: Shana Kassoff  
Legal Recruiting Manager  
787 Seventh Avenue  
New York, NY 10019  
e-mail: skassoff@sidley.com  
They are looking for Latin American students or for students from a Common Law Jurisdiction. It is an asset to have passed (or about to) the New York Bar. It is a 9-12 month internship.  
Résumés will be collected at the Career Placement Office (NCDH, room 406) until January 14, 2003, noon.

#### 8) PLEASE RETURN CPO PUBLICATIONS ON LOAN BEFORE EXAMS!

J'apprécierais beaucoup que vous me retourniez toutes les publications prêtées par le CPO qui sont encore en votre possession avant la période d'examens. Plusieurs d'entre elles sont en effet manquantes !

#### 9) HANDBOOKS AVAILABLE AT THE CPO

The "Legal Employment Career Handbook" and "Opportunities in Social Justice and Sustainable Development, 2002-2003" are available at the CPO, free of charge.

#### 10) LSUC BAC APPLICATIONS

- The LSUC BAC application forms are available at the OUS and 'What to Expect from the Ontario Bar Admission Course flyer' is available at the CPO.

APPLICATION DEADLINE: 2 DECEMBER, 2002, 16:00h.

#### 11) UPCOMING ATTRACTIONS: JANUARY!

##### - COMMON LAW CAREERS DAY:

JAN. 13

##### - AREAS OF PRACTICE DINNERS: SEE NO. 6

##### - WORKSHOP ON RÉSUMÉ, COVER LETTERS, INTERVIEW SKILLS & CURRENT STATE OF THE MARKET: JAN. 22

##### - TORONTO AND OTTAWA RÉSUMÉ CLINIC: JAN. 23, 24, 27 TBC

##### - TORONTO 1ST YEAR SUMMER RECRUITMENT: DEADLINE: JAN. 28

##### - CIVIL LAW CAREERS DAYS: JAN. 29 AND FEB. 5

##### - MONTREAL RÉSUMÉ CLINIC: JAN. 30 &31 TBC

##### - OTTAWA SUMMER RECRUITMENT: DEADLINE: JAN. 31

#### 12) ERRATUM L MAGAZINE

Re: Corrected version of L Magazine/ The American Lawyer Summer Associate Survey Results

L Magazine sent me the following message: 'On November 6, we discovered a serious error in our database that affected the accuracy of our Summer Associates Survey results. We had failed to include 401 properly submitted surveys—roughly ten percent of the total—in our tabulations.

As a result, the rankings that we published in the fall issue of L Magazine and on several ALM web sites were incorrect. This represents a significant error on our part, one that we deeply regret.

As soon as we became aware of the problem, the survey results were removed from all ALM Web sites. Based on the recount of all the surveys

submitted, we have added 19 law firms to our lists (...) We apologize to our readers and all survey participants for this error. We are publishing the corrected results online at law.com, lzine.com, NYLawyer.com, and americanlawyer.com, and also in the December issue of The American Lawyer. (...) Again, we regret this error and any inconvenience or confusion it may have caused.'

Brigitte St-Laurent  
Director  
Career Placement Office

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For more information, please contact the Career Placement Office by e-mail: [brigitte.st-laurent@mcgill.ca](mailto:brigitte.st-laurent@mcgill.ca) / [placement.law@mcgill.ca](mailto:placement.law@mcgill.ca) or by telephone: (514) 398-6618 / 398-6159.

All editions of the CPO Newsletter are saved in archives and can be accessed at: <http://lists.mcgill.ca/archives/lawstudent.html>. ■

## Submit to the Quid: Thursday, 5 PM

[quid.law@mcgill.ca](mailto:quid.law@mcgill.ca)

Past and current issues of the Quid can be found online, at  
<http://www.law.mcgill.ca/quid>